

NEWSLETTER

Professional legal information, services, and education

Mindfulness, Self-Compassion and the Inner Critic

By: Scott Rogers, MS, JD

Inside this issue:

Mindfulness	1
Mindfulness Resources	3
TechTip: CLEs On-Demand	4
Upcoming Events	6
JFS Gift Donation	6
Lexis+ and Westlaw	7
Holiday Party	7

Herbie Hancock, the great jazz musician, tells of an unforgettable moment in 1963 while performing with Miles Davis when he messed up big time — or so he “thought.” Tony Williams was on the drums, Ron Carter was playing bass, and Wayne Shorter was on the saxophone. For those of you familiar with jazz, it doesn’t get better than that. Hancock recalls of that hot night: “The music was tight. It was powerful. It was innovative. And we were having a lot of fun!” Then, in the middle of Miles Davis’s solo, Hancock plays the wrong chord. “It sounded completely wrong. It sounded like a big mistake.” Can you relate — in court, in a meeting, in conversation?

What happened next points to the heart of mindfulness. In Hancock’s words: “Davis paused for a second. And then he played some notes that . . . made my chord right, that made my chord correct. Miles was able to take something that was wrong and turn it into something that was right.” For more than two decades, the legal profession has been exploring the potential role mindfulness practices can play in the law. A popular shorthand for mindfulness is “non-judgmental awareness,” meaning the stronger our mindfulness the less likely we are to be judgmental toward others (and ourselves). In this context

“judgmental” is different than being discerning and able to keenly assess situations and people to adjudge guilt or innocence or otherwise advance justice. Rather, it involves the gratuitous and often harsh evaluations that readily flow when we resist something about ourselves or another person. It also can apply in the opposite direction, blindly embracing that which is compelling and extending every benefit of the doubt. In both cases, our



view can be clouded by preconceptions, biases, and assumptions.

Most of us know what it is like to quickly form a judgment of another only to reverse ourselves after we gather more information. At the time, we are pretty sure we are right, trusting our intuition. Yet, it turns out we were mistaken. So too when we judge ourselves, often unduly self-critical or aggrandizing, only to

realize later we weren't seeing things clearly. This takes place so often and so quickly it can pass by unnoticed. It rarely is useful and sometimes there is a serious price to pay for this miscalculation.

While the practice of mindfulness can be beneficial for many reasons, its growing presence in the law responds to concerns for attorney and law-student wellness. Ours is a demanding profession where the ability to anticipate problems, engage in adversarial and often hostile contests, strive for perfection, and manage intense workloads can, amid time pressures, client demands, and fatigue, become counterproductive and fuel anxiety, anger, doubt, fear, depression, and overwhelm. At such times the inner critic can be relentless to ensure we succeed — or perhaps its primary mission is to make sure we do not “fail.” Steven Keeva, managing editor of the ABA Journal at the turn of the 21st century, was concerned for the wellbeing of lawyers and saw the importance of contemplative practices, like mindfulness. In “Practicing from the Inside Out,” an article he contributed to the Harvard Negotiation Law Review’s 2002 symposium on mindfulness in law, he wrote: “[I]nterest in the lawyers’ inner life appears to be growing. As something of a lightning rod for that interest, I have come to see it as a natural outgrowth of the distressing level of unhappiness in the profession.”

An exploration of one’s inner life through the lens of mindfulness invites skillful observation of the [inner landscape](#). This includes the coming and going of thoughts, feelings, and body sensations, being open and receptive to whatever arises, be it pleasant, unpleasant, or neutral. In so doing, we witness the expression of ourselves, moment by moment with a non-judgmental curiosity. It is a compassionate practice. Practicing any of a [variety of mindfulness exercises](#) offers a roadmap to this inner terrain and can lead to beneficial



changes in the quality of our well-being, of our relationships with others, and to the satisfaction we experience engaging in our life’s work. As noted above, our thoughts can contribute mightily to the quality of our wellbeing. When the inner critic is quiet, or generous, we feel good. When harsh and unforgiving, we suffer. Our lives can become a chaotic and seemingly uncontrollable roller-coaster of emotion when caught in the meanderings of the mind, which tends to wander off to unsatisfying terrain of past and future, often without our even noticing it. To become more self-aware of the inner critic can go a long way to being free from its painful messaging. After all, thoughts are not facts.

We do not practice law in isolation. Much like a jazz quintet, we work together. And much like a jazz performance, the product evolves as we progress, taking twists and turns no one could predict that influences strategy, timing, content, and execution. To work as a team, to respect each other, and to appreciate that what we are creating is bigger than ourselves, opens the door to possibilities and feelings of connection that render the inner critic in proportion to its usefulness.

Do you think Hancock had made a mistake when he played the “wrong chord”? His inner

critic says he did. No doubt he *thought* he had. He was comforted and awed by Davis' genius to turn the mistake into something that was right. You can [watch Hancock](#) recall this pivotal moment in his life, an experience that planted a seed of insight that would continue to blossom in years to come. Hancock notes, on further reflection: "What I realize now is that Miles didn't hear it as a mistake. He heard it as something that happened. Just an event. And so that was part of the reality of what was happening at that moment."

How might this insight bear on moments when you are sure you've blundered, or someone you are working with has made a mistake or failed? And what are the implications of labeling events in this narrow way? What set of possibilities might emerge when we free ourselves, even if just a little, from the hyper-critical, judgmental assessment that arises again and again when something doesn't go according to plan?

Piano, drums, trumpet, and sax. Different voices all coming together in ways we can only know and fully appreciate as they are expressed. Might we learn from Hancock's experience and channel a little bit of Miles Davis in our interactions with others — and perhaps especially with ourselves. Steven Keava invites us to consider our "inner-life." Mindfulness practices offer us one vehicle for doing so. For Herbie Hancock, Miles Davis "taught me a very big lesson not only about music, but about life." Perhaps this summer we can work on our own internal jazz performance — one whose expression is most beautiful when we treat ourselves as worthy of our achievements and good enough, just as we are — to be human.

Mindfulness Resources

Law Library subscribers have access to a variety of Mental Health Resources, including those listed below. If you have questions about these resources, contact the reference staff at reference@cms.hamilton-co.org or 513.946.5300.

WESTLAW

DELIBERATE WELLNESS--HOW LEGAL EMPLOYERS CAN PROMOTE LAWYER WELL-BEING

Probate and Property January/February, 2022
36-FEB Prob. & Prop. 57

THE RESILIENT LAWYER

Trial December, 2020 56-DEC Trial 20

LEXIS+


THE PROFESSION: THE ROAD TO ATTORNEY WELL-BEING: PAST, PRESENT, AND FUTURE
65 B.B.J. 22

DEPARTMENT DELIBERATE WELLNESS--HOW LEGAL EMPLOYERS CAN PROMOTE LAWYER WELL-BEING

36 Probate & Property 57

Scott L. Rogers is a nationally recognized leader in the area of mindfulness and law, and teacher, author, and trainer. He is founder and director of the Institute for Mindfulness Studies and of the University of Miami School of Law's Mindfulness in Law Program and he co-founded and co-directs the University of Miami's Mindfulness Research & Practice Initiative.

TECH TIP



Registering for an On-Demand CLE

By: Ana Mendoza

Did you know that you can watch pre-recorded CLES hosted by the Hamilton County Law Library? The Law Library offers a large selection of topics at no extra cost for subscribers. You can also sign up for upcoming CLES through our [website](#).

About ▾

Contact Us

Subscriber Login

Visit the Law Library website and click the top right button "Subscriber Login" to get started.

HINT: Your **Username** is your last name then first name with no spaces between the names. (**lastnamefirstname**)

Your **password** is your **borrower number**. Contact the library staff to obtain this number if you do not know it. (513-946-5300)

You may [change your password](#) to login to the website but this will not change your password to login to Lexis Overdrive or the computers at the law library.

Username

Please enter username

Password

Please enter password

Your Username is your last name and first name with no spaces. Unless you have changed your password, it will be the barcode assigned to you at subscription registration. If you have forgotten your password, or have difficulties logging in, please contact the Reference desk to recover your information.

Remote Access Databases

Research ▾

Services ▾

CLE classes ▾

News ▾

Join ▾

About ▾

Calendar

On-Demand Library

Once you've signed in, click on the drop down menu under CLE Classes and select the On-Demand Library to view the available videos.

To register for a class, click "Calendar" and proceed to register for the upcoming CLE.

CLE Self-Study Shop

Self-Study CLEs are FREE to HC Law Library Subscribers. Login to our website for access.

Subscribers CLICK HERE to get started!

Howdy, Ana Mendoza | Logout

Self-Study courses are \$50.00 each for non-subscribers.

See below for descriptions of courses.

As a subscriber, register for classes by clicking the link on the left and choose a CLE from the list. There are brief descriptions of each CLE in the left column.

Managing Stress For Competent Client Representation

(Original date December 29, 2022)

2.5 attorney professional conduct CLE in Ohio

Click here to get started!

Attorney Tabitha Hochscheid explains how self-care is important for lawyers in order to best represent client issues and demonstrate competence in accordance with the Ohio Ethics Rules.

Working on Your Gender Based Violence Case Part 3

(Original date November 17, 2022)

1.5 hour of general CLE in Ohio

Click here to get started!

Danielle Firsich, Manager of Non-Residential Domestic Violence Services at YWCA Greater Cincinnati, will be teaching about gender based violence.

Working on Your Gender Based Violence Case Part 2

(Original date November 3, 2022)

1.5 hour of general CLE in Ohio

Click here to get started!

Danielle Firsich, Manager of Non-Residential Domestic Violence Services at YWCA Greater Cincinnati, will be teaching about gender based violence.

Working on Your Gender Based Violence Case Part 1

(Original date October 22, 2022)

1.5 hour of general CLE in Ohio

Click here to get started!

Danielle Firsich, Manager of Non-Residential Domestic Violence Services at YWCA Greater Cincinnati, will be teaching about gender based violence.

Once you have selected a CLE, you will be redirected to the first video with links to corresponding documents.

Check back occasionally for updates to the CLE On-Demand Library for other credit opportunities!

You can also check out the [Calendar](#) for upcoming CLEs and register for the "Live" Zoom CLE.

CLEs COMING SOON for credit

Introduction to immigration & Citizenship Policy (original date 2/15/2023)

Attorney and Educator Mary Joan Reutter will present an overview of immigration and citizenship policy, including the Immigration and Nationality Act, Californian Prop 187 & IIRAIRA (Illegal Immigration Reform and Responsibility Act), as well as TANF, citizenship, and DACA (Deferred Action for Childhood Arrivals).

1.0 hour of general CLE credit in Ohio

Introduction to Education Law in the Immigration Arena (original date 3/22/2023)

Attorney and Educator Mary Joan Reutter will be discussing adult education: work, family literacy and citizenship, with a focus on the medical disability waiver and its implications for education and learning, including funding for providers, as well as topics such as: WIOA Workforce Innovation Act, Adult Education and Family Literacy Act, and citizenship testing.

1.0 hour of general CLE credit in Ohio

Handling Problem Probates (original date 5/23/2023)

Attorney Mark Basil explains how to handle problem probate cases.

1.0 hour of general CLE credit in Ohio

What is the keyword at the end of the segment one video? *

end of the segment one video? *

At the end of each video, a keyword will be displayed. Type in the keyword to move on to the next section of the video.

Subscriber Benefits

All subscribers have access to the following valuable resources and services:

Circulation privileges to borrow from over 40,000 print volumes for up to six weeks at a time

Access to extensive legal information databases from the Law Library, including

Lexis+, Westlaw, Wolters Kluwer VitalLaw™, Overdrive e-books, HeinOnline, and Loislaw treatises

Wireless network throughout the Law Library

Zoom, Skype & other videoconferencing

Eight meeting rooms with speaker phones

Professional reference service by our law librarians, available via e-mail, telephone, and in person

Free document delivery by fax or e-mail of print and electronic materials

CLE seminars throughout the year on legal research and substantive topics

Subscribers' lounge, magazines, daily newspapers, and coffee

Bi-weekly news alerts by practice area

Discounted rates for photocopying

In addition, solos and attorneys whose firm has a subscription have 24 hour remote access to Fastcase.com case law, Aspen/LOISLaw treatises, HeinOnline (for under 50 attorney firms), EBSCOhost, and Wolters Kluwer VitalLaw™

Upcoming Events

Voting Day – Closed at 12:30 – 11/07/2023

HCLL Closed – Veteran's Day - 11/10/2023

HCLL Book Club Meeting – 11/16/2023 at 12:00 PM – 1:00 PM

Closed for Thanksgiving - 11/23–11/24/2023

Holiday Party! – 12/07/2023 from 1-3 PM



Foster Joy this Holiday Season

The Library will have a book tree with QR code ornaments to purchase gifts for children in foster care & teenagers preparing to live on their own. You can also bring gifts to the Clerk of Courts room 315.

Kindness for Kids provides gifts for foster children at the holidays and reminds them that they're important and special. Help us bring holiday cheer to more foster kids this year.

Who does Kindness for Kids support?

Children in foster care and teenagers preparing to live on their own.

Purchase gifts here: [Amazon Wish List](#)

Subscriber Renewals for 2024

We will mail subscriber renewal invoices in November, if you haven't already received yours. We will be in touch with firms before sending invoices to verify any attorneys who have left or joined the firm this year. We're also able to accept credit cards for subscriber payments and renewals for your convenience. There is no fee for attorneys in their first year of practice after passing the bar exam, so please share that good news with the new attorneys in your circles of influence. The library board and staff believe that the value of law library services and resources far exceeds the annual fee. We hope that accurately reflects your own experience.

Stop in, call or email us for reference assistance 5 days a week!

While the Law Library is always happy to serve you on-site, we know that sometimes you may need assistance from your home or office. As a benefit of your subscription, please don't hesitate to email us your reference questions at reference@cms.hamilton-co.org or call us at 513-946-5300. We're more than happy to assist with research, including sending cases, statutes, forms and other materials during our normal business hours, Monday-Friday, 7am-4pm.

Need help after hours? Solo subscribers and attorneys with full-firm subscriptions can access many of our databases remotely, 24/7 via our [website](#), and any subscriber can register for CLEs and reserve conference rooms. Just let us know if you have questions about how to get started.

Lexis+ and Westlaw

Did you know that the Law Library has subscriptions to both Westlaw and Lexis+? Both heavy hitters in the legal research industry offer robust access to case law, statutes and secondary sources, but each of our subscriptions also offers exclusive content, analysis and search interfaces. Feel

free to visit our computer lab to use either (or both!) If you're contacting us for remote reference assistance and would like us to use one of these specifically to conduct searches, please don't hesitate to let us know.



Holiday Open House

We're excited to welcome you back to our annual Holiday Open House! Please mark your calendars for the afternoon of December 7. We'll be revving up the holiday cheer beginning at 1:00, but please feel free to stop by any time between 1:00 and 3:00 for fun, treats and a holiday craft. Stay tuned for more details!

Follow us on social media!

If you appreciate the content of our monthly newsletter, you should like us on [Facebook](#) and follow us on [Twitter](#) (@HCLawLib) and Instagram for even more updates on library happenings and info on relevant legal news. We also publish a [blog](#) and push those updates to our social media accounts, so if you follow us you'll never miss a post.

